

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

: Chapter 11
:

OTR MEDIA GROUP INC.,

: Case No. 1-11-47385 (ESS)
:

Debtor.

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OTR MEDIA GROUP, INC., *et al.*,

: Adv. Pro. No. 1-11-01448
:

Plaintiffs,

vs.

THE CITY OF NEW YORK,

Defendant.
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**ORDER GRANTING THE CITY OF NEW YORK'S MOTION FOR AN ORDER
DECLARING THAT THE AUTOMATIC STAY DOES NOT APPLY TO ITS
ENFORCEMENT OF ZONING AND BUILDING REGULATIONS**

WHEREAS, on August 25, 2011, OTR Media Group, Inc. filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on September 1, 2011, the Debtor and various non-debtor entities initiated this adversary proceeding by filing a complaint; and

WHEREAS, on November 10, 2011, the City of New York filed a motion for an order declaring that Section 362(a) of the Bankruptcy Code does not apply to its enforcement of zoning and building regulations *or, in the alternative, granting relief from the automatic stay with respect to the issuance and adjudication of Notices of Violation of the zoning and building regulations* (the "Motion for Relief from Stay"); and

WHEREAS, on November 22, 2011, the Debtor filed an Affirmation in Opposition to the Motion for Relief from Stay; and

WHEREAS, on November 23, 2011, the City of New York filed Reply Declarations of Alan Kleinman and Edward Fortier in support of the Motion for Relief from Stay; and

WHEREAS, on December 19, 2011, this Court entered an Order granting, in part, the Motion for Relief from Stay; and

WHEREAS, on April 20, 2012, the Court held a continued hearing on the Motion for Relief from Stay at which the Debtor, by counsel, and the City of New York, by counsel, appeared and were heard;

NOW, THEREFORE, based on the foregoing pleadings, the record of the foregoing hearings, and the entire record of the Chapter 11 case and this adversary proceeding, it is hereby

ORDERED, that pursuant to Bankruptcy Code Section 362(b)(4), the automatic stay does not apply to the commencement or continuation of an action or proceeding by the City of New York to enforce its police and regulatory power, including enforcement of a judgment other than a money judgment obtained in an action or proceeding to enforce the Administrative Code, Zoning Resolution, or another law or rule regulating outdoor advertising (the “Sign Laws”) against the Debtor; and it is further

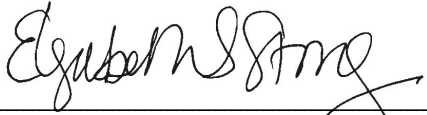
ORDERED, that pursuant to Bankruptcy Code Section 362(b)(4), the automatic stay does not apply to the New York City Department of Buildings’ issuance of Notices of Violation citing violations by the Debtor, and that the City of New York may take any appropriate and lawful steps, other than enforcement of a money judgment, to enforce the Sign Laws against the Debtor; and it is further

ORDERED, that to the extent that Section 362(b)(4) does not apply to the New York City Department of Buildings' issuance of Notices of Violation citing violations by the Debtor, there is cause to lift the automatic stay pursuant to Bankruptcy Code Section 362(d)(1) to allow the City of New York to pursue its rights under applicable law against the Debtor, other than enforcement of a money judgment; and it is further

ORDERED, that the automatic stay shall continue in effect to the extent not otherwise adjudicated herein to the contrary.

**Dated: Brooklyn, New York
May 8, 2012**




Elizabeth S. Stong
United States Bankruptcy Judge